



Bart L. Graham
Commissioner

State of Georgia
Department of Revenue

Frank P. Connell
Director

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1800 Century Boulevard
Atlanta, Georgia 30345
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NOTICE

(Notice ATD 2010-2)

**RE: Proposed Rules to the Department of Revenue, Alcoholic Beverages,
Chapter 560-2-2.**

TO ALL INTERESTED PERSONS AND PARTIES:

In compliance with O.C.G.A. § 50-13-4, the Georgia Department of Revenue gives notice that it proposes to amend Chapter 560-2-2 of the Rules and Regulations of the State of Georgia by proposing:

- 560-2-2-.01, entitled "Definitions."
- 560-2-2-.02, entitled "Licensing Qualifications."
- 560-2-2-.03, entitled "Bonds."
- 560-2-2-.04, entitled "Display of License."
- 560-2-2-.05, entitled "Monthly Report; Remittance of Taxes. "
- 560-2-2-.06, entitled "Initial Applications; Temporary Permits Authorized; Conditions of Issuance."
- 560-2-2-.07, entitled "Certain Requirements for Licensees Upon Suspension of Alcohol License."
- 560-2-2-.08, entitled "Providing Testimony and Documents."
- 560-2-2-.09, entitled "Failure to Comply with Tax Laws."
- 560-2-2-.10 entitled "Ownership Interest."
- 560-2-2-.11, entitled "Restrictions on Non-Department Employees."
- 560-2-2-.12, entitled "Measurement of Distances."
- 560-2-2-.13, entitled "Refunds; Discounts; Gifts; All Sales Final."
- 560-2-2-.14, entitled "Coupons and Rebates."
- 560-2-2-.15, entitled "Inspection of Licensed Premises and Records."
- 560-2-2-.16, entitled "Emergency Movement of Alcoholic Beverages."

- 560-2-2-.17, entitled "Trade Practices – Inventory Sets and Resets; Notification."
- 560-2-2-.18, entitled "Trade Practices – Point-of-Sale Advertising."
- 560-2-2-.19, entitled "Trade Practices – Promotional Items and Marketing Events."
- 560-2-2-.20, entitled "Promotional Events."
- 560-2-2-.21, entitled "Prohibited Advertising."
- 560-2-2-.22, entitled "Trade Show."
- 560-2-2-.23, entitled "Manufacturer, Shipper or Wholesaler to Make Accurate Invoice."
- 560-2-2-.24, entitled "Sales by Vending Machines."
- 560-2-2-.25, entitled "Sales to Minors; Exceptions."
- 560-2-2-.26, entitled "Subterfuge"
- 560-2-2-.27, entitled "Violations; Unlawful Activities."
- 560-2-2-.28, entitled "Other Alcoholic Beverages Prohibited."
- 560-2-2-.29, entitled "Furnishing Alcoholic Beverages When Sale Not Permitted; Prohibited."
- 560-2-2-.30, entitled "Non-Registered Brands."
- 560-2-2-.31, entitled "Invalid Checks."
- 560-2-2-.32, entitled "Notification of Disciplinary Action."
- 560-2-2-.33, entitled "Termination of Business and Refunds on Close-Out Inventory."
- 560-2-2-.34, entitled "Product Recall."
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Attached with this notice are exact copies and synopses of the proposed Rules. The proposed Rules are being adopted under the authority of O.C.G.A. §§ 3-2-2, 3-2-3, 3-2-4, 3-2-6, 3-2-7, 3-2-32, 3-3-3, 3-3-20, 3-3-21, 3-3-49, 3-4-22, 3-4-152, 3-5-25.1, 3-6-21, and 48-12-2.

The Department of Revenue shall consider the adoption of the above-referenced proposed Rules at 10:00 a.m., on Friday, March 26, 2010 in Suite 15200 of the Department's headquarters at 1800 Century Blvd. NE, Atlanta, GA 30345-3205.

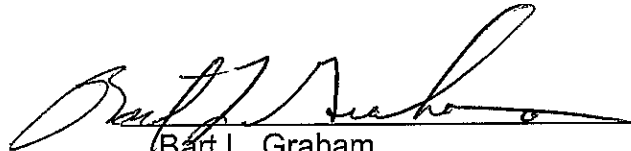
The Department must receive all comments regarding the above-referenced proposed Rules from interested persons no later than 10:00 a.m. on Friday, March 26, 2010.

Written comments must be sent to: Commissioner, Georgia Department of Revenue, 1800 Century Blvd. NE, Suite 15300, Atlanta, GA 30345-3205. Electronic comments must be sent to regcomments@dor.ga.gov.

Facsimile comments must be sent to (404) 417-6651.

Please reference "Notice Number ATD 2010-2" on all comments.

Dated: February 22, 2010

A handwritten signature in black ink, appearing to read 'Bart L. Graham', written over a horizontal line.

Bart L. Graham
Commissioner
Department of Revenue

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.01 Definitions - General Provisions.

- This Rule provides definitions as used in these regulations.
- This Rule provides for grammatical changes.
- This Rule was last amended in 2007.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.01 Definitions - General Provisions.

(1) As used in these Regulations:

(a) "Act" means the Georgia Alcoholic Beverage Code Amended.

(b) "Alcohol" as defined by the Act means ethyl Alcohol, hydrated oxide of ethyl, or spirits of Wine, from whatever source or by whatever process produced.

(c) "Alcoholic Beverage" as defined by the Act means and includes all Alcohol, Distilled Spirits, beer, Malt Beverage, Wine, or fortified Wine intended for human consumption.

(d) "Alcohol Type" means the various derivatives of Alcohol products such as bourbon, gin and vodka for Distilled Spirits, chardonnay and pinot noir for Wine and lager and ale for beer.

(e) "Brand" means the Manufacturer of Alcoholic Beverages.

(f) "Brand Label" means the differences in the Manufacturer's colors, Alcoholic Beverage name, or design as shown on the label.

(g) "Broker" as defined by the Act means any person who purchases or obtains an Alcoholic Beverage from an Importer, distillery, brewery, or Winery and sells the Alcoholic Beverage to another Broker, Importer, or Wholesaler without having custody of the Alcoholic Beverage or maintaining a stock of the Alcoholic Beverage.

(h) "Carrier" means any person whose business is to transport goods or people while acting in the capacity as common, private, or contract transporter of a product or service using its facilities or those of other carriers.

(i) "Commissioner" means the state revenue commissioner, or the Commissioner's designated agent or representative.

(j) "Consular Officer" means a career consular officer who is a national of the sending country assigned to a consular post in Georgia for the exercise of consular functions, and whose sending country is a contracting party to the multilateral consular convention referred to in Rule 560-2-15-.07 or another treaty with the United States of similar import.

(k) "Consular Post" means any consulate-general, consulate, vice-consulate or consular agency.

(l) "County or Municipality" as defined by the Act means those political subdivisions of this state as defined by law and includes any form of political subdivision consolidating a county with one or more municipalities.

(m) "Department" as defined by the Act means the Georgia Department of Revenue.

(n) "Denatured Alcohol" means a type of Alcohol, as defined in Code § 3-2-1, to which denaturants have been added in order to render the Alcohol unfit for beverage purposes or internal human medicinal use.

(o) "Denaturants" means materials authorized for use pursuant to Chapter 1 of Title 27 of the Code of Federal Regulations.

(p) "Distilled Spirits" as defined by the Act means any Alcoholic Beverage obtained by distillation or containing more than twenty-one percent (21%) Alcohol by volume, including, but not limited to, all fortified Wines.

(q) "Educational Tour" means a tour conducted on the premises of a licensed brewery for the purpose of educating attendees on the process of formulating, mixing, fermenting, processing, packaging, and shipping Alcoholic Beverages produced at the licensed facility.

(r) "Family or Immediate Family" means any person related to a Manufacturer, producer, Shipper, Importer, or Broker within the first degree of consanguinity and affinity as computed according to the canon law.

(s) "Flavored Malt Beverage" means any Alcoholic Beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products, in water containing not more than six percent (6%) Alcohol by volume to which other flavors and Non-beverage Alcohol ingredients are added so long as no more than forty-nine percent (49%) of the overall Alcohol content of the Alcoholic Beverage is derived from the addition of flavors and non-beverage Alcohol ingredients.

1. A Flavored Malt Beverage shall be deemed a Malt Beverage for purposes of these regulations.

2. Alcoholic Beverages otherwise meeting the definition of Flavored Malt Beverage' but containing more than six percent (6%) Alcohol by volume, or in which more than forty-nine percent (49%) of the overall Alcohol content is derived from the addition of flavors and non-beverage Alcohol ingredients shall be deemed Distilled Spirits for purposes of these regulations.

(t) "Fortified Wine" as defined by the Act means any Alcoholic Beverage containing more than twenty-one percent (21%) Alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.

(u) "Fraternal Organization" means any society, order, or supreme lodge, whether incorporated or not, conducted solely for the benefit of its members and their beneficiaries and not for profit, operated on the lodge system with a ritualistic form of work, and having a representative form of government.

(v) "Free Tasting" means an event during which a properly licensed brewery or Winery may provide Malt Beverages or

Wine to each attendee of lawful drinking age, for consumption on the licensed premises, and without charge of any kind, and only during or after completion of attendee participation in an instructional, educational, or promotional program or tour.

(w) "Gallon" or "Wine Gallon" as defined by the Act means a United States gallon of liquid measure equivalent to the volume of 231 cubic inches or the nearest equivalent metric measurement.

(x) "Hard Cider" as defined by the Act means an Alcoholic Beverage obtained by the fermentation of the juice of apples, containing not more than six percent (6%) of Alcohol by volume, including, but not limited to flavored or carbonated cider. For purposes of this regulation, hard cider shall be deemed a Malt Beverage. This term does not include "sweet cider."

(y) "Head of a Consular Post" means the Consular Officer charged with the duty of acting in the capacity of head of the Consular Post to which he or she is assigned.

(z) "Importer" as defined by the Act means any person who imports an Alcoholic Beverage into this state from a foreign country and sells the Alcoholic Beverage to another Importer, Broker, or Wholesaler and who maintains a stock of the Alcoholic Beverage.

(aa) "Individual" as defined by the Act means a natural person.

(bb) "Licensee" means any person who is granted a license or permit by the Department concerning the manufacturing, brokering, importing, wholesaling, or shipping of Alcoholic Beverages, or who is licensed as a Retailer or Retail Consumption Dealer.

(cc) "Malt Beverage" as defined by the Act means any Alcoholic Beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water containing not more than fourteen percent (14%) Alcohol by

volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice Wine.

(dd) "Manufacturer" as defined by the Act means any maker, producer, or bottler of an Alcoholic Beverage and:

1. In the case of Distilled Spirits, any person engaged in distilling, rectifying, or blending any Distilled Spirits;
2. In the case of Malt Beverages, any brewer; and
3. In the case of Wine, any vintner.

(ee) "Mead Wine" or "Honey Mead" means a fermented Alcoholic Beverage made from honey that may not contain an Alcoholic content of more than fourteen percent (14%) by volume or total solids content that exceeds thirty-five (35) degrees Brix.

(ff) "Military Beer" means Malt Beverages which have been purchased pursuant to these regulations which are exempt from Georgia excise taxes and which have been properly identified pursuant to Regulations 560-2-15-.03 and 560-2-15-.04.

(gg) "Military Liquors" means Distilled Spirits purchased pursuant to these regulations which are exempt from Georgia excise taxes and which have been properly identified pursuant to Regulation 560-2-15-.04.

(hh) "Military Reservation" as defined by the Act means a duly commissioned post, camp, base, or station of a branch of the armed forces of the United States located on territory within this state which has been ceded to the United States.

(ii) "Military Wine" means Wine purchased pursuant to these regulations which is exempt from Georgia excise taxes.

(jj) "Package" as defined by the Act means a bottle, can, keg, barrel, or other original consumer container.

(kk) "Person" as defined by the Act means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust,

receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.

(ll) "Place of Business" means the premises of a licensed Manufacturer, Broker, Importer, Wholesaler, Retailer or Retail Consumption Dealer described in the license where Alcohol, or Alcoholic Beverages are manufactured, sold, or offered for sale.

(mm) "Premises" means one physically identifiable Place of Business consisting of one room, or two or more contiguous rooms operating under the same trade name where Distilled Spirits by the drink are sold.

(nn) "Promotional Tour" means a tour conducted at a brewery or winery for the purpose of marketing a product to attendees highlighting the customer service of the company.

(oo) "Regulations" means the regulations that are promulgated by the Commissioner pursuant to the Act.

(pp) "Representative" means a person, employee, agent, independent contractor, or salesperson with or without compensation from a Licensee, who, acting on behalf of or at the direction of the Licensee, represents the Licensee to a third-party.

(qq) "Retail Consumption Dealer" as defined by the Act means any person who sells Distilled Spirits for consumption on the premises at retail only to consumers and not for resale.

(rr) "Retailer" as defined by the Act means, except as to Distilled Spirits, any person who sells Alcoholic Beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to Distilled Spirits, the term means any person who sells Distilled Spirits in unbroken packages at retail only to consumers and not for resale.

(ss) "Routine Hub Transfer" means a simultaneous transfer of Alcoholic Beverage products from one Wholesaler

delivery truck (hub truck) to another Wholesaler delivery truck(s) (spoke trucks).

(tt) "Shipper" as defined by the Act means any person who ships an Alcoholic Beverage into Georgia from outside of Georgia.

(uu) "Standard Case" as defined by the Act means six (6) containers of 1.75 liters, twelve (12) containers of 750 milliliters, twelve (12) containers of one liter, twenty-four (24) containers of 500 milliliters, twenty-four (24) containers of 375 milliliters, forty-eight (48) containers of 200 milliliters, or one hundred twenty (120) containers of 50 milliliters.

(vv) "State" means the State of Georgia.

(ww) "Taxpayer" as defined in the Act means any person made liable by law to file a return or to pay tax.

(xx) "Warehouse" means any premises of a Wholesaler, Manufacturer, Importer, or Shipper other than its registered Place of Business, used for the storage of Alcoholic Beverages in accordance with the express written approval of the Commissioner.

(yy) "Wholesale Cost Price" means the price of a Package as shown on the distributor's invoice including, but not limited to, cost of materials, labor costs, service costs, transportation charges, excises taxes, and any other expenses of any kind.

1. Wholesale cost price shall be calculated by dividing the total invoice amount for each Package size by the number of Packages of each Alcohol product, Alcohol Type Brand Label and size being delivered concurrently to the Retailer or Retail Consumption Dealer.

(zz) "Wholesaler" as defined by the Act means any person who sells Alcoholic Beverages to other licensed Wholesalers, Importers, Retailers, or to Retail Consumption Dealers.

(aaa) "Wine" as defined by the Act means any Alcoholic Beverage containing not more than 21 percent (21%) Alcohol by volume made from fruits, berries, or grapes either

by natural fermentation or by natural fermentation with brandy added.

1. The term includes, but is not limited to, all sparkling Wines, champagnes, combinations of such beverages, vermouths, special natural Wines, rectified Wines, and like products.

2. The term does not include cooking Wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

3. A liquid shall first be deemed to be a Wine at that point in the manufacturing process when it conforms to the definition of Wine contained in the Act.

Authority: O.C.G.A. § 3-2-2.

PROPOSED

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.02 Licensing Qualifications - General Provisions.

- This Rule provides the qualifications necessary to obtain a license to manufacture, distribute, sell handle or possess for sale or otherwise deal in alcoholic beverages or non-beverage alcohol.
- This Rule provides for grammatical changes.
- This Rule provides for changes in Code.
- This Rule was adopted in 2007.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.02 Licensing Qualifications - General Provisions.

(1) No person shall manufacture, distribute, sell, handle, or possess for sale or otherwise deal in Alcoholic Beverages or non-beverage Alcohol without first obtaining all applicable licenses required by the Act and these regulations.

(2) Every person applying for a state license, permit, or registration to deal in Alcoholic Beverages, shall make application, on forms prescribed by the Commissioner, and under oath shall answer all questions, supply all information, personnel statements, including information regarding applicant's employees, if requested, furnish all certificates, affidavits, bonds and other supporting data or documents as reasonably required by the Commissioner.

(a) All license applications under these regulations shall be a permanent record.

(b) Willful failure to furnish the Department with any of the information required by these regulations or by law shall constitute grounds for denial or revocation of a license.

(3) Applications for a state license, permit, or registration shall state the identical name and address of the applicant as stated in the application for a license required by local governing authorities.

(a) Every license shall specify the premises where the Licensee shall have its Place of Business and such location shall not be changed during the term of the license.

(b) Any Fraternal Organization shall be permitted to apply for a license in the name of any qualified officer or member of such organization.

(c) Any legal entity, including but not limited to, all partnerships, limited liability companies, domestic or foreign corporations, lawfully registered and doing business under the laws of Georgia or the laws of another state and authorized by the Secretary of State to do business in Georgia, which seeks to obtain a license for Alcoholic Beverage or non-beverage Alcohol may be permitted to apply for a license in the name of the legal entity as it is registered in the Office of the Secretary of State of Georgia. Provided, however:

1. In its application for an Alcoholic Beverage or non-beverage Alcohol license, the legal entity shall provide the Commissioner with the name and address of its agent authorized to receive service of process under the laws of Georgia, together with a listing of its current officers and their respective addresses.

(i) Any change in the status of Licensee's registered agent, including but not limited to, change of address, or name, shall be reported to the Commissioner within five (5) days of such occurrence.

2. In the event that a legal entity shall fail to appoint or maintain a registered agent in Georgia as required by law, or whenever its registered agent cannot with due diligence be found at the registered office of the corporation as designated in its application for license, the Commissioner shall be appointed agent to receive any citation for violation of these regulations.

3. Process may be served upon the Commissioner by leaving with the Commissioner duplicate copies of such citations.

4. In the event that the notice of citation is served upon the Commissioner or one of the Commissioner's designated

agents, the Commissioner shall immediately forward one of the copies to the corporation at its registered office.

(i) Any service made upon the Commissioner shall be answerable within thirty (30) days.

5. The Commissioner shall keep a record of all citations served upon the Commissioner under this Regulation, and shall record the time of service and the disposition of that service.

(4) The state license issued shall be valid for the calendar year indicated; provided that:

(a) The Licensee is actively engaged in business; and

(b) If applicable, has a valid county or municipal license.

(6) In the event a Licensee ceases to be actively engaged in business, or if a Licensee's local license becomes invalid in any way, the state license shall be invalid and the Licensee of that business shall immediately notify and return the state license to the Department.

(5) A Licensee that desires to continue in business during the next calendar year must make a new application for that year on or before November 1 of the preceding year.

(6) Any untrue, misleading, or omitted statement or information contained in an application shall be cause for denial and, if any license has been granted, shall be cause for its revocation.

(7) The failure of any applicant, or failure of any Person, firm, corporation, legal entity, or organization having any interest in any operation for which an application has been submitted, to meet any obligations imposed by the tax laws or other law or regulation of Georgia shall be grounds for denial of the license, permit or registration for which an application is made.

(8) When contrary to the public interest and welfare, no license to sell Alcoholic Beverages of any kind shall be issued by the Commissioner to:

(a) Any person as determined by the Commissioner, by reason of that person's business experience, financial

standing, trade associations, personal associations, records of arrests, or reputation in any community in which he has resided, who is not likely to maintain the operation for which he is seeking a license in conformity with federal, state or local laws;

(b) Any person convicted of a felony who served any part of a criminal sentence, including probation within the ten (10) years immediately preceding the date of receipt of submission of the application.;

(c) Any person who has been convicted of a misdemeanor who served any part of a criminal sentence, including probation within the five (5) years immediately preceding the date of receipt of submission of the application.

(9) The Commissioner may decline to issue a state license to a person for the operation of a Place of Business when any person having any interest in the operation of that Place of Business, or control over such Place of Business does not meet the same requirements as set forth in these regulations for the Licensee.

(10) If the Commissioner has reason to believe that the applicant is not entitled to the license for which the applicant has applied, the Commissioner shall notify the applicant in writing.

(a) The applicant shall have fifteen (15) days from the date of the notice to request, in writing, a hearing on the application;

(b) Upon receipt of applicant's written request, the Commissioner shall provide the applicant with due notice and opportunity for a hearing on the application pursuant to the regulations in Chapter 16;

(c) If the Commissioner, after providing notice and an opportunity for a hearing, finds the applicant is not entitled to a license, the applicant shall be advised in writing of the findings upon which that denial is based.

Authority: O.C.G.A. § 3-2-2.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.03 Bonds – General Provisions.

- This Rule provides that every alcoholic beverage dealer must file an annual bond or an irrevocable bank letter of credit with the Commissioner.
- This Rule provides that the amount of the bond or letter must be for an amount as provided for in the Code.
- This Rule provides for grammatical changes.
- This Rule provides for changes in the Code.
- This Rule was adopted in 1993.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.03 Bonds - General Provisions.

(1) Alcoholic Beverage Licensees for Distilled Spirits and Wine are required to post with the Commissioner an approved annual bond under a surety company authorized to do business in Georgia, in the amount and under conditions specified by Code § 3-4-22 for Distilled Spirits, and Code § 3-6-21 for Wine.

(2) Alcoholic Beverage Licensees for Malt Beverages are required to post with the Commissioner either:

(a) An approved annual bond under a surety company authorized to do business in Georgia, in the amount and under conditions specified by Code § 3-5-25.1 for Malt Beverages, and Regulation 560-2-8-.02 for brewpubs; or

(b) An irrevocable bank letter of credit, issued by a bank located in Georgia, conditioned upon the prompt payment of all sums which may become due as required by all laws, rules and regulations governing the distribution and sale of Alcoholic Beverages in Georgia.

Authority: O.C.G.A. §§ 3-2-6, 3-4-22, 3-5-25.1, 3-6-21.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.04 Display of License - General Provisions.

- This Rule provides that every license issued by the Act shall be prominently displayed in the licensed place of business.
- This Rule also provides that any alcoholic beverage found at the licensed place of Business shall be presumed to be the licensee's property.
- This Rule provides for changes in the Code.
- This Rule was adopted in 1982.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2.04 Display of License - General Provisions.

(1) Every license issued under the Act shall be prominently displayed to the public, by the holder at the Licensee's Place of Business.

(2) Licenses for on-premise consumption outlets shall be displayed at each premise for which a license has been issued.

(a) On-premise outlets which cannot be determined as one identifiable Place of Business shall require additional licenses regardless of whether those establishments have the same trade name, ownership, or management;

(b) Nothing shall require additional licenses for service bars, or portable bars used exclusively for the purpose of mixing or preparing Alcoholic Beverage drinks when such bars are accessible only to employees of the licensed establishment and from which Alcoholic Beverage drinks are prepared to be served on the licensed premises.

(3) Any Alcoholic Beverages kept, stored, or found at the Licensee's Place of Business or Warehouse shall be presumed to be the Licensee's property.

Authority: O.C.G.A. §§ 3-2-2, 3-3-3.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.05 Monthly Report; Remittance of Taxes – General Provisions.

- This Rule states that every alcoholic beverage licensee shall file certain monthly reports with the Commissioner.
- This Rule provides for grammatical changes.
- This Rule provides for changes in the Code.
- This Rule was amended in 2006.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2.05 Monthly Report; Remittance of Taxes -
General Provisions.**

(1) Taxes imposed on all Alcohol manufactured, imported, sold, possessed, delivered, purchased, used, consumed, handled, or offered for sale within Georgia shall be collected from Wholesalers by use of a reporting system.

(a) Every Wholesaler shall file a monthly report with the Commissioner, in such format or manner as the Commissioner may reasonably prescribe, setting forth Alcoholic Beverage purchases for each calendar month, beginning and ending inventories for each calendar month and such other information as the Commissioner may require to describe the complete transactions;

(b) Each Wholesaler shall file the report for all Alcoholic Beverages, no later than the fifteenth (15th) day of each month for the preceding calendar month's transactions.

(c) The report shall indicate the total disposition of Alcoholic Beverages during the report period. And

(d) The proper tax remittance for all transactions shall be attached to the report.

(2) When one Wholesaler sells or transfers Alcoholic Beverages to another Wholesaler, the seller shall indicate on the sales invoice that the Alcoholic Beverages are tax-paid by the seller.

(a) The seller shall include the transaction on the seller's monthly report and shall remit the proper tax with that report.

(3) No licensed Wholesaler shall accept or take from any municipality or county any fee, discount, rebate, or compensation of any nature for the collection or reporting of the city and/or county excise taxes as required.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6.

PROPOSED

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2.06 Initial Applications; Temporary Permits Authorized; Conditions of Issuance - General Provisions.

- This Rule provides that the Commissioner, at his discretion, may issue a temporary permit after the applicant has properly filed all required documents.
- Such temporary permit or license may be withdrawn at any time by the Commissioner without notice or hearing.
- This Rule provides for grammatical changes.
- This Rule provides for changes in the Code.
- This Rule was adopted in 1982.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2.06 Initial Applications; Temporary Permits Authorized; Conditions of Issuance - General Provisions.

(1) Persons making initial license applications pursuant to Georgia laws and regulations, after properly filing all required documents, may be authorized by the Commissioner to operate pursuant to a temporary permit.

(2) Before any temporary permit shall be issued, the applicant must have filed with the Department the following documents and materials under the conditions indicated:

(a) A valid local license from the proper governing authority to engage in the business for which application is made;

(b) A valid state application with all questions answered and which indicates prima facie eligibility to hold the license sought;

(c) All other documents required pursuant to the laws and regulations for obtaining a license appropriate to the type of business for which application is made; and

(d) Any other relevant information the Commissioner may deem appropriate under the circumstances.

(3) The issuance of any temporary permit pursuant to the above conditions is within the discretion of the Commissioner and may be withdrawn by the Commissioner at any time without notice or hearing.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3, 3-2-7.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.07 Certain Requirements for Licensees Upon Suspension of Alcohol License - General Provisions.

- This Rule provides for changes in the Code.
- This Rule was adopted in 2006.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2.07 Certain Requirements for Licensees
Upon Suspension of Alcohol License - General
Provisions.**

(1) In every case in which an Alcoholic Beverage license is suspended, the Licensee shall be required to post a public notice in a prominent and conspicuous place on the front window or door of the licensed premises throughout the period of suspension.

(a) The dimensions of the notice shall be at least eight and one-half (8.5) inches by eleven (11) inches with a font size of at least eighteen (18) point in Times New Roman font.

(2) The notice shall contain:

(a) The Licensee name;

(b) License number;

(c) Address of the licensed location; and

(d) A statement that the Licensee's license is suspended pursuant to an order of the Commissioner for violation of the Act and/or the regulations of the Commissioner.

(3) In addition to the public notice requirement set forth under paragraph (1) of this Regulation, the Commissioner may make available to the public a complete or partial listing of all Alcohol license suspensions and cancellations on the Department's website or by such other means as designated by the Commissioner.

(4) Licensees who fail to comply with this Regulation shall be subject to additional disciplinary action including, but not limited to, further license suspension or cancellation.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3.

PROPOSED

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.08 Providing Testimony and Documents - General Provisions.

- This Rule provides that any licensee or employee or officer of that licensee shall give sworn testimony and produce documents to aid the Commissioner in any investigation held under the Act or these Regulations.
- This Rule provides for changes in the Code.
- This Rule was adopted in 1982.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2.08 Providing Testimony and Documents -
General Provisions.**

(1) By the application for, the acceptance of, or the conduct of business under any license or permit issued pursuant to this Act, every holder of a license or permit issued and every employee or officer of such Licensee agrees to appear and give sworn testimony and produce documents and records reasonably calculated to aid the Commissioner in any investigation or hearing held under this Act or under these regulations.

(2) Each such person shall appear and produce the required documents at the office of the Commissioner or at such other place as he may reasonably designate, at a time as the Commissioner may designate in writing and with reasonable notice.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.09 Failure to Comply with Tax Laws - General Provisions.

- This Rule provides that no application for a license will be considered if any person, firm or corporation that has any interest in the business for which the application is made has failed to meet any of the obligations imposed by Georgia tax law.
- This Rule provides that failure by any party with an interest in the licensed business, to meet any of the obligations imposed by any Georgia tax law, regulation of the Commissioner or the Georgia Alcoholic Beverage Code, shall be grounds for suspension or revocation of such businesses license, permit or registration.
- This Rule was last amended in 2006.
- This Rule provides for changes in the Code.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2.09 Failure to Comply with Tax Laws -
General Provisions.**

(1) No application for a license to sell Alcoholic Beverage will be considered so long as the applicant, person, firm or corporation holding any interest in the business for which application is made, has failed to meet any obligations imposed by any tax law of Georgia.

(2) The failure of any Licensee, permittee, registrant, person, firm, or corporation holding an interest in the business for which the license, permit or registration is issued to meet any obligations imposed by the Act, any tax law of Georgia, or any regulations of the Commissioner shall be grounds for suspension, revocation, or cancellation of a license, permit or registration.

Authority: O.C.G.A. § 3-2-2.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.10 Ownership Interest - General Provisions.

- This Rule provides restrictions on the ownership interest that manufacturers, importers, producer, shippers, brokers, retailers or retail consumption dealers, or any of his employees or immediate family members may have with other alcoholic beverage licensees.
- This Rule provides for changes in the Code.
- This Rule was adopted in 2007.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2-.10 Ownership Interest; Change or
Transfer of Ownership - General Provisions.**

(1) Neither a Manufacturer, producer, Shipper, Importer, or Broker, nor any of its employees or members of such Manufacturer's, producer's, Shipper's, Importer's, or Broker's immediate family shall have, own, or enjoy any ownership interest in, or partnership arrangement or other business association with the business of any Wholesaler or Retailer.

(2) Neither a Wholesaler, nor any of its employees, or any members of such Wholesaler's immediate family shall have, own or enjoy any ownership interest in, or partnership arrangement or other business association with the business of any Manufacturer, producer, Shipper, Importer, Broker, or Retailer; provided nothing shall prohibit such persons from owning stock in such firms when such firms' stock is publicly traded on a national exchange or over the counter.

(3) Neither a Retailer or Retail Consumption Dealer, nor any of its employees or members of such Retailer's or Retail Consumption Dealer's immediate family shall have, own or enjoy any ownership interest in, or partnership arrangement or other business association with the business of any Wholesaler, Manufacturer, producer, Shipper, Importer or Broker.

(4) Provided however, nothing shall prohibit the Commissioner from waiving the above prohibitions in regard to children of the Manufacturer, Wholesaler, producer,

Shipper, Importer, or Retailer, provided the children are emancipated and hold no business or financial interest, or vested interest in the parent's operation.

(5) It shall be the duty of the Licensee to notify the Commissioner in writing concurrently with:

(a) Any change to an answer or personnel statement made on an application for a license which is either pending or approved must be timely reported as an amendment to the application.

(b) Any change in any interest in Licensee's business, including but not limited to:

1. Execution of Letter of Intent to sell or purchase.

2. Receipt of a bona fide proposal to purchase.

3. Division of the profits.

4. Division of net or gross sales for any purpose whatsoever.

5. Change in ownership of any legal entity that has any interest in such business or the change of management of such legal entity.

6. A loss or damage to goods which result in a claim against an insurance policy.

(c) Any public corporation whose stock is traded on recognized national stock exchanges shall be exempt from subparagraphs (5)(b)2., (5)(b)3., (6)(b)4. and (5)(b)5.

(d) Any substantial change in or any agreement in principle, whether written or not, to change the conduct or ownership interest of any licensed business.

(6) The Commissioner shall notify Licensee upon receipt of written notice of any objection to the ownership or interest.

(a) The Licensee shall have fifteen (15) days from the date of the notice to request, in writing, a hearing on the objection;

(b) Upon receipt of Licensee's written request the Commissioner shall provide the Licensee with due notice and opportunity for hearing on the application pursuant to Chapter 560-2-16;

(c) If the Commissioner, after providing notice and opportunity for hearing, finds the Licensee is not entitled to a license pursuant to these regulations, the applicant shall then be advised in writing of the findings upon which the denial is based.

(7) No state license may be transferred from one person to another.

(a) The Commissioner may at the Commissioner's discretion grant a transfer of a license from one location to another location within the same local regulatory jurisdiction, provided authority for such a transfer has also been granted by the local governing authority.

Authority: O.C.G.A. § 3-2-2.

PROPOSED

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.11 Restrictions on Non-Department Employees - General Provisions.

- This Rule provides that no employee of a manufacturer, importer, broker, producer or wholesaler may work for a retailer or retailer at their place of business or the retailer or consumption dealer's place of business.
- This Rule provides for changes in the Code.
- This Rule was adopted in 1982.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2.11 Restrictions on Non-Department
Employees - General Provisions.**

No employee of any Manufacturer, Importer, Broker, producer, joint registrant or Wholesaler shall at any time, with or without compensation, act as a salesperson or sales clerk in a Retailer's or Retailer Consumption Dealer's Place of Business.

Authority: O.C.G.A. § 3-2-2

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.12 Measurement of Distances – General Provisions.

- This Rule provides that prior to April 1, 2007, all measurements to determine distances required by the act shall be measured by the most direct route of travel on the ground from the front door of the business where the alcoholic beverages are for sale to the front door of the building in question or the nearest portion of the property, whichever is specified by statute.
- This Rule provides that after March 31, 2007, all required distances shall be measured in a straight line from the front door of the business where the alcoholic beverages are for sale or offered for sale to the front door of a church, government-owned treatment center or retail package store and to the nearest property line of property being used for school or educational purposes.
- This Rule states that renewal applications shall use the method of measurement as required in the initial application and license.
- This Rule provides for changes in the Code.
- This Rule was adopted in 2007.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.12 Measurement of Distances – General Provisions.

(1) Unless otherwise provided by law, all measurements to determine distances required by the Act, for the issuance of an initial state Alcoholic Beverages license, shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

(a) Prior to April 1, 2007:

1. From the front door of the structure which Alcoholic Beverages are sold or offered for sale;
2. In a straight line; to the nearest public sidewalk, walkway, street, road or highway;
3. Along such public sidewalk, walkway, street, road or highway by the nearest route;
4. To the front door of the building, or to the nearest portion of the grounds, whichever is applicable under the appropriate statute.

(b) After March 31, 2007:

1. In a straight line from the front door of the structure from which Alcoholic Beverages are sold or offered for sale;
2. To the front door of the building of a church, government-owned treatment center or a retail package store; or
3. To the nearest property line of the real property being used for school or educational purposes.

(2) All renewal applications shall use the measurements required in the initial application and license.

Authority: O.C.G.A. §§ 3-2-2, 3-3-21, 3-3-49.

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**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.13 Refunds; Discounts; Gifts; All Sales Final - General Provisions.

- This Rule provides that manufacturers, producers, shippers, importers, brokers or wholesalers', nor anyone acting on their behalf, may directly or indirectly give any concession of any kind in connection with the sale of alcoholic beverages for beautification of the premises in any manner; exterior or interior.
- This Rule provides that nothing in this Rule prohibits quantity discounts provided that the discount is uniformly available within the wholesalers' sales territory.
- This Rule provides the proper procedure for inspection of alcoholic beverages and return or exchange of non-compliant merchandise.
- This Rule provides for grammatical changes.
- This Rule provides for changes in the Code.
- This Rule was adopted in 2007.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2-.13 Refunds; Discounts; Gifts; All Sales
Final - General Provisions.**

(1) Unless otherwise specifically permitted by this Act and these regulations, no Manufacturer, producer, Shipper, Importer, Broker, or Wholesaler, nor their employees, agents, Representatives, or anyone acting on their behalf, shall directly or indirectly:

(a) Make any gift, refund, price concession, discount, joint offer, or any concession of any kind or character;

(b) Give or offer to give any sample, free goods, articles or things of value in connection with the sale of Alcoholic Beverages;

(c) Compensate any Retailer or Retail Consumption Dealer or their employees for interior or exterior beautification, improvement in premises, displaying any merchandise, or displaying the same merchandise in a particular position or manner;

(d) Make any inducement to any Retailer or Retail Consumption Dealer or their employees, agents, buyers, or purchasing agents by:

1. Furnishing, giving, or lending any equipment, fixtures, signs, supplies, money, services, or other things of value.

2. Guaranteeing any loan or repayment of any financial obligation, or paying total or partial payment of salary or promoting any promotion or sales contest for such persons.

(2) Nothing shall prohibit quantity discounts by Wholesalers to Retailers or Retail Consumption Dealers provided such

quantity discounts are for sale and delivery to a single retail location and are available to all Retailers and Retail Consumption Dealers within that Wholesalers' designated sales territory and upon equal terms.

(3) It shall be a violation of this Regulation for any Retailer or Retail Consumption Dealer, their employees, agents, buyers, purchasing agents, or anyone acting directly or indirectly in their behalf to accept, acquiesce, or otherwise participate in the prohibited acts contained in this Act or these regulations, or to coerce or attempt to coerce, entice, request, or solicit any prohibited acts.

(4) Alcoholic Beverages shall be inspected at the time of delivery for breakage, damage, shortage and for any other condition which would render delivery unacceptable to the Retailer or Retail Consumption Dealer.

(a) No adjustment or exchange subsequent to delivery shall be permitted where breakage, shortage, or other conditions are evident to the extent that such conditions would have been obvious upon casual inspection at the time of delivery.

(5) A licensed Wholesaler may accept from any licensed Retailer or Retail Consumption Dealer any quantity of Alcoholic Beverages and give that Retailer credit for the same, but only if on the same day the Retailer or Retail Consumption Dealer buys from the Wholesaler, at prevailing prices, a like quantity, measured in case lots, of the same type and brand, and if copies of the invoices evidencing such transfer be promptly filed at the Wholesaler's place of business for inspection by the Commissioner or his agents.

(6) Exchanges of identical brands and quantities of Alcoholic Beverages shall be authorized for "leakers" or "short fills," provided at the time of such exchange the tops of such containers are affixed and such leakage is apparent.

(a) No adjustment, credit, or exchange subsequent to delivery shall be permitted for chipped bottle necks of Malt Beverages;

(b) Within thirty (30) days of Malt Beverage brands becoming outdated in accordance with written brewery or

Wholesalers' quality control standards and provided the Malt Beverages were sold to the Retailer at the Wholesalers' posted unit price at the time of sale, Wholesalers:

1. May exchange identical brands and quantities of Malt Beverages.

2. May exchange the Malt Beverage for identical quantities of the same or other brands within the mix and match assortment sold under authority of subparagraph (1)(c) of this Regulation and the Malt Beverages have the same single case price as products being exchanged.

3. Shall retain copies of invoices evidencing such exchanges and promptly file same at the Wholesaler's Place of Business for inspection by the Commissioner or his agents.

4. Shall not issue a credit, rebate, or refund of excise taxes for such an exchange.

Authority: O.C.G.A. §§ 3-2-2, 48-12-2.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.14 Coupons and Rebates - General Provisions.

- This Rule provides for the regulation of coupons and rebates for alcoholic beverages.
- Changes to reflect current Code.
- This Rule was adopted in 1997.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.14 Coupons and Rebates - General Provisions.

(1) It shall be a violation of these regulations for any licensed Retailer to offer any coupon or rebate affecting the price or prices of Alcoholic Beverages, nor shall any licensed Retailer accept any coupon or rebate in payment for purchases of Alcoholic Beverages.

(2) No Retailer shall redeem any Manufacturer coupon or rebate promoting the sale or use of Alcoholic Beverages.

1. All Manufacturer coupons or rebates promoting the sale or use of Alcoholic Beverages shall only be redeemable by the Manufacturer or its designated agent.

(3) Nothing shall prohibit a licensed Retailer, for its own advertising purposes, from offering in-store coupons or rebates and from redeeming such coupons or rebates for the purchase of merchandise other than Alcoholic Beverages, unless otherwise prohibited by local regulation.

(4) No Manufacturer, or anyone acting on its behalf, shall make any arrangement of any kind or character, or enter into any agreement, with any licensed Retailer in connection with the use and redemption of coupons or rebates promoting the sale or use of Alcoholic Beverages.

(5) No Manufacturer, or anyone acting on its behalf, shall make its coupons or rebates available to any licensed Retailer offering the Manufacturer's products for sale to the

exclusion of other licensed Retailer's offering the
Manufacturer's products for sale.

Authority: O.C.G.A. § 3-2-2.

PROPOSED

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.15 Inspection of Licensed Premises and Records - General Provisions.

- This Rule provides for the requirements necessary for access and inspection of licensed premises and records kept by licensees regarding alcoholic beverages for which the license was issued.
- This Rule provides for changes to reflect current Code.
- This Rule was adopted in 2006.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.15 Inspection of Licensed Premises and Records - General Provisions.

(1) The Commissioner and/or the Commissioner's agents may enter the licensed Place of Business of any person engaged in the manufacture, transportation, distribution, sale, storage, or possession of Alcoholic Beverages at any time for the purpose of inspecting the Place of Business and enforcing this Act and these regulations, and the agents shall have access during the inspection to:

- (a) All areas of the Place of Business; and
- (b) All books, records, and supplies relating to the manufacture, transportation, distribution, sale, storage, or possession of Alcoholic Beverages.

(2) Failure to cooperate with all aspects of an inspection or to hinder or interfere with an agent in the performance of the agent's duties shall be a violation of these regulations by any Licensee, its employee, or anyone acting on behalf of or with the approval of the Licensee, compensated or otherwise.

(3) Interference or hindrance of an agent shall include, but not be limited to the following:

(a) Disorderly conduct including behaving in any manner tending to threaten or to appear to threaten the agent or members of the public during an inspection or performance of the agent's duty;

(b) Disturbing the peace including, but not limited to, utilizing loud, boisterous, threatening, abusive, insulting, or

indecent language during an inspection or performance of the agent's duty.

Authority: O.C.G.A. §§ 3-2-2, 3-2-32.

PROPOSED

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RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.16 Emergency Movement of Alcoholic Beverages - General Provisions.

- This Rule provides that if a licensee's place of business is threatened with destruction because of a riot, civil disorder or natural disaster, a licensee may transport his supply of alcoholic beverages to a secure location.
- This Rule provides for changes in the Code.
- This Rule was adopted in 1982.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2-.16 Emergency Movement of Alcoholic
Beverages - General Provisions.**

(1) Whenever any Licensee's Place of Business is threatened with destruction or looting because of riot, civil disorder or natural disaster, the Licensee is authorized to transport its supply of Alcoholic Beverages to a secure location by any means of any transportation available.

(2) The Licensee shall notify the Commissioner as soon as practical.

(3) In any such case the Licensee shall cease business and shall not reopen without the express written approval of the Commissioner.

(4) Upon approval for reopening, the Licensee shall be permitted to transport the Alcoholic Beverages back to the licensed location at a time, date and in a manner as agreed to by the Commissioner

Authority: O.C.G.A. § 3-2-2.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.17 Trade Practices - Inventory Set and Resets; Notification - General Provisions.

- This Rule provides for regulations regarding setting and re-setting inventory by wholesalers upon delivery alcoholic beverages to a retailer.
- This Rule reflects changes in the Code.
- This Rule was amended in 2008.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.17 Trade Practices – Inventory Set and Resets; Notification - General Provisions.

(1) Upon the request of a Retailer, Wholesalers, at their option, **may** conduct a single initial setting of Alcoholic Beverages at the Retailer's location.

(2) Upon the request of Retailer, Wholesalers, at their option, **may** conduct the re-setting of assigned Brand Labels once per calendar year at the Retailer's location.

(3) Each Retailer shall notify all applicable Wholesalers of such sets or resets no less than ten (10) business days prior to the scheduled date.

(a) Participation in a scheduled set or reset by any Wholesaler is completely voluntary and is subject to equal terms being available to all Wholesalers.

(b) All Retailers and participating Wholesalers must maintain a copy of the notification at their licensed premise for three (3) years.

(4) A set or reset may only be performed Monday through Friday from 7:00 a.m. to 7:00 p.m., excluding state holidays.

(5) During a set or reset a Wholesaler may move or touch only its assigned brand labels.

(a) The Wholesaler may request that the Retailer remove a Brand Label that is located in Wholesaler's assigned space but are not Brand Labels assigned to that Wholesaler.

(b) If the Retailer declines to remove the Brand Labels then the shelf space shall be deemed assigned to that Brand Label.

(6) All notifications sent pursuant to this Regulation must include:

(a) Date;

(b) Place;

(c) Time;

(d) License Number;

(e) Products to be set or reset; and

(f) Date of last reset.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6.

PROPOSED

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RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2.18 Trade Practices – Point-of-Sale Advertising - General Provisions.

- This Rule provides for regulations regarding setting and re-setting inventory by wholesalers upon delivery alcoholic beverages to a retailer.
- This Rule reflects changes in the Code.
- This Rule was adopted in 2007.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2.18 Trade Practices – Point-of-Sale
Advertising - General Provisions.**

(1) A Wholesaler, Broker, Importer, or Manufacturer is only authorized to distribute to a Retailer, without cost, generic point-of-sale advertising materials for use inside the licensed Place of Business.

(a) The materials may be provided without charge for use inside a retail location to attract consumer attention to specific Alcoholic Beverages, provided that all such materials shall be available on equivalent terms to all accounts of the Wholesaler.

(b) Where products are not generic point-of-sale advertising materials within the meaning of this Regulation, or the products are intended for exterior use, such materials must be invoiced to the Retailer and paid for based upon fair market value.

(2) Generic point-of-sale advertising materials do not include items for use that are of a permanent or semi-permanent nature, are constructed or created on the premise of a Retailer are affixed or attached in any way to the exterior premise, and that refer specifically to a Retailer.

(3) It shall be a violation by the Retailer to use any point-of-sale material provided without charge on the exterior of their premises.

(4) A Wholesaler, Broker, Importer, or Manufacturer who performs any service or provides general point-of-sale

advertising items to Retailers shall make such service or items available on equal terms to all Retailers within its designated sales territories.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6.

PROPOSED

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RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.19 Trade Practices – Promotional Items and Marketing Events - General Provisions.

- This Rule provides for regulations regarding types of promotional and marketing events or materials that may be provided.
- This Rule reflects changes in the Code.
- This Rule was amended in 2008.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2.19 Trade Practices – Promotional Items
and Marketing Events - General Provisions.**

(1) All promotional items and marketing events are to be available on equal terms to all similarly situated accounts of the sponsoring party.

(2) Banners for internal or external use at promotional events as defined by regulation may be provided at no cost to the non-Licensee and may be displayed at the event.

(a) The banners shall not refer to any specific Retailer or Retail Consumption Dealer or to the fact that an Alcoholic Beverage business is located at or in the promotional event location.

(3) A Wholesaler, Broker, Importer, or Manufacturer may provide promotional items, excluding tobacco products, Alcoholic Beverage, or lottery products directly to consumers on the premises of a Retailer provided that all patrons are given an equal chance for such items without charge and without any purchase being required.

(a) Permitted Wholesaler, Broker, Importer, or Manufacturer employees or agents must be present to provide the items to patrons.

(b) These items shall be delivered concurrently with the arrival of the permitted agents or employees and such employees or agents must remove any items not distributed upon their departure.

(4) A Wholesaler, Broker, Importer, or Manufacturer may not make any payment, reimbursement, or compensation of any kind or character to any Retailer for any purpose, either directly or indirectly, or through a third-party arrangement.

(5) A Wholesaler, Broker, Importer, or Manufacturer may conduct "marketing events" in Georgia.

(a) The marketing event shall be at no cost to the participants.

(b) The person promoting or sponsoring the marketing event ("promoter") shall notify all of its accounts within its sales territories of the marketing event.

(c) If the marketing event cannot accommodate all of the accounts of the promoter, then the promoter shall timely notify all accounts and advise them that due to a limitation there will be a drawing to select which accounts will attend the event.

1. The promoter shall provide, without cost to its accounts, a reasonably acceptable means for interested parties to register for the drawing, or in the alternative, upon notification place all of its accounts into the drawing for selection.

2. The promoter shall notify all accounts of the winner or winners as applicable.

(d) For purposes of this regulation the term "marketing event" means any marketing activity sponsored by Wholesalers, Brokers, Importers, or Manufacturers during which the total value of all non-alcoholic items given by a Wholesalers, Brokers, Importers, or Manufacturers may not exceed \$300 per Brand in a single retail establishment in a rolling twelve month period.

1. A "rolling" twelve month period is defined as the twelve months prior to the most recent occurrence.

2. Wholesalers, Brokers, Importers, or Manufacturers may not pool or combine dollar limitations in order to provide products or services to a Retailer or Retail Consumption Dealer valued in excess of \$300 per alcohol type.

3. The following are not considered "marketing events" as defined in these regulations:

(i) Licensed Special Event as provided for in Regulation 560-2-11-.02.

(ii) Trade Show as provided for in Regulation 560-2-2-.17.

(iii) Promotional Events as provided for in Regulation 560-2-2-.18.

(e) For two years after the date of each marketing event, Wholesalers, Brokers, Importers, or Manufacturers shall keep and maintain records of all items furnished to Retailers under this Regulation.

1. Commercial records or invoices may be used to satisfy this record-keeping requirement if the following required information is shown:

(i) The name and address of the Retailer receiving the item;

(ii) The date furnished;

(iii) The item furnished;

(iv) The Wholesalers, Brokers, Importers, or Manufacturer's cost of the item furnished (determined by the Manufacturer's invoice price of the item), and

(v) Charges to the Retailer for any item.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.20 Promotional Events - General Provisions.

- This Rule provides for regulations regarding promotional events.
- This Rule reflects changes in the Code.
- This Rule was amended in 2008.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.20 Promotional Events - General Provisions.

(1) Any Alcoholic Beverage Licensee may sponsor or cosponsor a promotional event with any other promoter, provided the promoter is not an Alcoholic Beverage Licensee, and the location of the event is licensed as a Retailer.

(2) The Alcoholic Beverage Licensee shall not pay or otherwise provide any consideration to any other Licensee located at, or within the publicly owned stadium, park, coliseum, or auditorium where the promotional event is held.

(3) Advertising promoting a promotional event shall not refer to any specific Alcoholic Beverage Licensee or to the fact that an alcohol licensed business is located at, or within the publicly owned stadium, park, coliseum, or auditorium.

(a) Nothing in this Regulation shall be construed to prevent advertising which includes the name of the sponsor, the promotional event, or the name of the publicly-owned stadium, park, coliseum, or auditorium at which the promotional event is held.

(4) No agreement between any of the parties promoting a promotional event shall limit the sale of Alcoholic Beverage products during the promotional event to specific types or Brands of Alcoholic Beverages or prohibit the sale of certain types or Brands of Alcoholic Beverages during the promotional event.

Authority: O.C.G.A. § 3-2-2.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.21 Prohibited Advertising - General Provisions.

- Changes to reflect current Code.
- Rule was adopted in 1997.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.21 Prohibited Advertising - General Provisions.

(1) No advertising of Alcoholic Beverages shall be published or disseminated in Georgia which:

(a) Contains any statement, design, or pictorial representation which falsely implies that the product has been endorsed, made, or used by, or produced for, or under the supervision of or in accordance with the specification of any religious organization, the United States government, the government of Georgia or any other domestic governmental entity;

(b) Contains any reference, directly or indirectly, which falsely implies an endorsement by, or relationship with, any school, college, or university athlete, or any school, college or university;

(c) Is directed to, or promotes in any way the sale of Alcoholic Beverages to, persons under the legal age to purchase Alcoholic Beverages in Georgia.

Authority: O.C.G.A. § 3-2-2.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.22 Trade Show - General Provisions

- This Rule provides for regulation of trade shows involving alcoholic beverages and for who may host these kinds of functions.
- This Rule reflects changes in the Code.
- This Rule was amended in 2008.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.22 Trade Show - General Provisions.

(1) For purposes of this Regulation, the term "trade show" shall be an exhibition organized and hosted by a licensed Wholesaler, Broker, Importer, Shipper or Manufacturer for the purpose of providing information regarding new Alcoholic Beverage products.

(a) A Wholesaler, Broker, Importer, Shipper or Manufacturer may conduct twelve (12) trade shows per calendar year at its licensed Place of Business or at a Retailer Consumption Dealer's Place of Business;

(b) A trade show hosted by a Broker, Importer, Shipper or Manufacturer can be attended only by Wholesalers and their employees within the Broker's, Importer's, Shipper's or Manufacturer's sales territory;

(c) A trade show hosted by a Wholesaler can only be attended by Licensed Manufacturer's Representatives, bona fide journalists and/or Retailers and their respective employees within the Wholesaler's sales territory.

(d) Wholesalers, Manufacturers, Shippers, Importers, Brokers, and their Representatives and agents can accept orders for Alcoholic Beverage products at the trade show.

1. Sale and delivery shall not occur at the trade show;

(e) A licensed Representative of any Broker, Importer, Shipper, Manufacturer or Wholesaler, at the request of the host Licensee, may provide pouring services and product information during any trade show.

1. The trade show host together with the employing Licensee and the permitted Representatives shall be responsible for all acts or omissions of any Representative providing service at the trade show.

(2) A party seeking to conduct a trade show shall make a request in writing to the Commissioner accompanied by the following documents and materials:

(a) A valid license or authorization, if required, from the appropriate local governing authority granting permission to conduct such trade show;

(b) A signed statement from the Wholesaler, Broker, Importer, Shipper or Manufacturer in substantially the following format:

Date: _____

Time: Begin: _____ End: _____

Location Name: _____

Address: _____

(city) (state) (zip code)

The undersigned hereby affirms that:

1. The excise tax, on all alcohol beverages at the trade show has been paid and documentation of payment will be available at the trade show.

2. All (Retailers/Retail Consumption Dealers) (Wholesalers) within the applicant's sales territory have been invited to the event.

3. The event is without charge or cost of any kind to the attendees.

4. The host is paying "fair market value" for the use of any retail licensed premises.

5. All participants will be or have been advised in writing that a participant may only order Alcohol Products during the trade show and shall not receive shipment of orders for product onsite.

Signed: _____

Date: _____

Name: _____

(print or type)

Title: _____

Company Name: _____ Ga. License
No. _____

(3) All trade shows shall be approved by the Commissioner or Agents of the Department.

(4) Failure to receive written notification from the Commissioner within fifteen (15) days from the date of receipt of the applicant's request by the Commissioner shall constitute a denial of the request.

Authority: O.C.G.A. § 3-2-2.

PROPOSED

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.23 Manufacturer, Shipper or Wholesaler to Make Accurate Invoice - General Provisions.

- This Rule provides for regulations
- This Rule reflects changes in the Code.
- This Rule was amended in 2002.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2-.23 Manufacturer, Shipper or Wholesaler
to Make Accurate Invoice - General Provisions.**

(1) No Manufacturer, Shipper, Importer, Broker, or Wholesaler, its agents, or employees, shall:

(a) Make any sale or delivery of any Alcoholic Beverages without a written invoice made concurrently with the sale or delivery, in accordance with requirements of this Regulation;

(b) Make any invoice which falsely indicates prices and terms of any sale;

(c) Insert in any invoice any statements which make the invoice a false record, wholly or in part, of the transaction invoiced or represented on the face of the invoice; or

(d) Withhold from any invoice any statement which properly should be included in it so that in the absence of such a statement the invoice does not truly reflect the transaction involved.

(2) Each sales invoice shall have the name, address and license number of the seller and shall show the following information:

(a) Name, address and license number of purchaser;

(b) Date of delivery or shipment and invoice number;

(c) Brand, type, size of container, amount of cases, number of containers and size of container in each case of Alcoholic Beverage delivered or shipped;

(d) The place from which the Alcoholic Beverage was shipped;

(e) Invoices covering sales of Distilled Spirits and Wine shall show, in addition to the above, the total number of liters by tax category.

(3) For each sale made to a licensed retail location, a Wholesaler shall issue a separate and distinct sales ticket or invoice in compliance with this Regulation.

(a) The terms and conditions of sale shall at all times be consistent with applicable current price sheet and there shall be no terms or conditions of the transaction that are not readily determinable from the face of the invoice or ticket.

(b) A Wholesaler shall not favor specific retail locations and shall sell to retail locations within its territories on substantially the same terms and conditions at all times consistent with these regulations.

(4) Within twenty-four (24) hours after sale, all sales tickets or invoices must be on file on the premises of the Wholesaler and shall be open for inspection by authorized agents of the Commissioner.

Authority: O.C.G.A. § 3-2-2.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.24 Sales by Vending Machines - General Provisions.

- This Rule provides that no licensee shall sell, or offer for sale, any alcoholic beverage through any unattended machine.
- This Rule provides for changes in the Code.
- This Rule was adopted in 1982.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2-.24 Sales by Vending Machines - General
Provisions.**

No Licensee shall sell, offer for sale, or allow to be sold any
Alcoholic Beverages through any vending machine or
through any unattended machine.

Authority: O.C.G.A. § 3-2-2.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.25 Sales to Minors; Exceptions - General Provisions.

- This Rule provides that no licensee, employee of licensee or person acting on the behalf of licensee shall make available alcoholic beverages to minors.
- This Rule provides for changes in the Code.
- This Rule provides for grammatical changes.
- This Rule was last amended in 1985.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.25 Sales to Minors; Exceptions - General Provisions.

No Licensee, employee of such Licensee, or any person acting on behalf of, or with the knowledge of such Licensee, shall give, sell, offer to sell, furnish, cause to be furnished, or offer to furnish any Alcoholic Beverage to any person who is under the lawful drinking age as established by Georgia law.

Authority: O.C.G.A. § 3-2-2.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.26 Subterfuge - General Provisions.

- This Rule provides that any act which may be construed as a subterfuge in order to circumvent any of these Rules and Regulation shall be deemed as a violation of the rule or regulation attempted to be circumvented.
- This Rule provides for changes in the Code.
- This Rule was adopted in 1982.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.26 Subterfuge - General Provisions.

Any act which may be construed as a subterfuge in an effort to circumvent any of these regulations shall be deemed a violation of the regulation attempted to be circumvented.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.27 Violations; Unlawful Activities - General Provisions.

- This Rule provides that any act by an employee of a licensee shall be deemed to be an act of that licensee.
- This Rule provides that it is a violation of this Act for any licensee, permittee, or registrant to permit any person to engage in any activity on the licensed premises that constitutes a violation of any law, and that with respect to any such activity it will be rebuttably presumed that the act was done with the knowledge and/or consent of the licensee.
- This Rule provides for changes in the Code.
- This Rule was adopted in 1982.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2-27 Violations; Unlawful Activities -
General Provisions.**

(1) Any person holding any license, permit, or registration issued pursuant to this Act or any employee or agent of the person who violates any provision of this Act or these regulations, or directs, consents to, permits, or acquiesces in such violation, either directly or indirectly shall, by such conduct, subject the license to suspension, revocation or cancellation.

(a) For purposes of administering and enforcing this Act and these regulations, any act committed by an employee, agent or Representative of a Licensee shall be deemed to be an act of the Licensee.

(2) It shall be a violation of this Act and these regulations for any Licensee, permittee, or registrant to permit any person to engage in any activity on the premises for which the license is issued or within the Place of Business, which is in violation of the laws or regulations of any federal, state, county or municipal governing authority or regulatory agency.

(a) With respect to any such activity, it shall be rebuttably presumed that the act was done with the knowledge or consent of the Licensee; provided however, that this presumption may be rebutted only by evidence which precludes every other reasonable hypothesis such that such Licensee did not know, assist or aid in such occurrence, or in

the exercise of full diligence could not have discovered or prevented such activity.

Authority: O.C.G.A. § 3-2-2.

PROPOSED

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.28 Other Alcoholic Beverage Prohibited - General Provisions.

- This Rule provides that no licensee shall keep or possess any alcoholic beverage at the licensee's place of business that the licensee does not hold a valid license to sell.
- This Rule provides for changes in the Code.
- This Rule was adopted in 1982.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2-.28 Other Alcoholic Beverages Prohibited
- General Provisions.**

No Licensee shall keep, possess, or store at the Licensee's Place of Business any Alcoholic Beverages for which the Licensee does not hold a valid license to sell those Alcoholic Beverages at that Licensees Place of Business.

Authority: O.C.G.A. §§ 3-2-2, 3-3-3.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.29 Furnishing Alcoholic Beverages When Sale Not Permitted; Prohibited - General Provisions.

- This Rule provides that no licensee or any person acting on the behalf of such licensee shall furnish alcoholic beverages to person on any day or at any time when the sale of alcohol is prohibited by law.
- This Rule provides for changes in the Code.
- This Rule was adopted in 1985.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2-.29 Furnishing Alcoholic Beverages When
Sale Not Permitted; Prohibited - General
Provisions.**

No Licensee, employee of any Licensee, or any person
acting on behalf of any Licensee shall furnish, or give
Alcoholic Beverages to any person on any day or at any time
when sale of same is prohibited by law.

Authority: O.C.G.A. §§ 3-2-2, 3-3-7, and 3-3-20.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.30 Non-Registered Brands – General Provisions.

- This Rule provides that all brands of alcoholic beverages must be registered with and approved by the Commissioner before any such alcoholic beverages may be received, sold, held purchased, given away or offered for sale.
- This Rule provides for grammatical changes.
- This rule provides for changes in the Code.
- This Rule was adopted in 1993.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.30 Non-Registered Brands - General Provisions.

No person shall move or cause to be moved into Georgia, receive, hold, purchase, give away, sell, or offer to sell in Georgia any Alcoholic Beverages unless the Brand has first been registered with and approved by the Commissioner or his agent as provided in Regulation 560-2-5-.08

Authority: O.C.G.A. §§ 3-2-2, 3-4-152.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.31 Invalid Checks - General Provisions.

- This Rule provides for regulations
- This Rule reflects changes in the Code.
- This Rule was adopted in 2007.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.31 Invalid Checks - General Provisions.

(1) Retailers or Retail Consumption Dealers offering checks in payment for purchases of merchandise from a Wholesaler, whether the Retailer or Retail Consumption Dealer is the maker or endorser of such checks shall, upon notification that any check has been dishonored, make immediate payment for that check.

(a) Failure to comply with this Regulation may subject Retailers and Retail Consumption Dealers to a citation.

(2) Wholesalers who receive a dishonored check from a Retailer or Retail Consumption Dealer and secure a criminal warrant or a returned check citation against the Retailer or Retail Consumption Dealer must notify the Commissioner, in writing, within ten (10) days of the date of issuance of the warrant or citation.

(a) The notification shall include all pertinent information associated with the criminal warrant or returned check citation including the county where the warrant or citation was secured, the warrant or citation number, docket number, and/or a copy of the warrant or citation.

Authority: O.C.G.A. § 3-2-2.

SYNOPSIS

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.32 Notification of Disciplinary Action - General Provisions.

- This Rule provides when a licensee or an employee of a licensee has disciplinary action taken against him, the action must be reported to the Commissioner.
- This Rule defines what action constitutes a "disciplinary action."
- This Rule provides that failure to comply with this Rule may result in revocation or suspension of license.
- This Rule provides for grammatical corrections.
- This Rule provides for changes in the Code.
- This Rule was adopted in 1982.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2.32 Notification of Disciplinary Action -
General Provisions.**

(1) Any Licensee who has any disciplinary action taken against him or his employees by any authority, either municipal, county, State, or federal shall notify the Commissioner or the Commissioner's agents within fifteen (15) days of such action.

(a) The notification must include the complete details of the action taken;

(b) Any Licensee who fails to notify the Commissioner or the Commissioner's agents of such action within the prescribed time may be cited and required to appear before the Commissioner to show cause as to why his license should not be suspended, revoked or cancelled.

(2) Disciplinary action as used in this Regulation means any action taken by any municipal, county, state or federal agency against the Licensee, its employees, or its Place of Business including but not limited to:

(a) Arrests by local, state, or federal authorities of the Licensee or any of its employees;

(b) Citations issued by local, state, or federal authorities, to the Licensee or any of its employees;

(c) Indictments, presentments, or accusations in any local, state, or federal courts against the Licensee or any of its employees;

(d) Convictions of, or penalties imposed pursuant to a plea of nolo contendere or non vult against the Licensee or any of its employees in any local, state, or federal court;

(e) Penalties imposed by any regulatory agency against the Licensee or any of its employees; or

(f) Any other written charges or reprimand by local, state, or federal authorities.

(3) Traffic citations written to the Licensee or any of its employees need not be reported to the Commissioner or the Commissioner's agents.

(4) Civil actions or accusations against the Licensee, or any person, firm or corporation holding a financial interest in the license shall be reported in accordance with paragraph (1) of this Regulation.

(a) Civil actions or accusations against employees of the Licensee need not be reported.

Authority: O.C.G.A. § 3-2-2.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.33 Termination of Business and Refunds on Close-Out Inventory – General Provisions.

- This Rule provides for the termination of a business and actions necessary to take on closing out of inventory.
- This Rule provides for grammatical changes.
- This Rule provides for changes in the Code.
- This Rule was adopted in 2007.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2-.33 Termination of Business and Refunds
on Close-Out Inventory – General Provisions.**

(1) Upon termination of a Retailer's or Retail Consumption Dealer's business, such Retailer or Retail Consumption Dealer may return to the appropriate Wholesaler such goods as he then has on hand, and the Wholesaler shall accept the return of such goods deemed by such Wholesaler to be saleable at the prices posted by such Wholesaler pursuant to these Regulations at the time such goods were sold.

(a) No Wholesaler shall charge for picking up or taking back any merchandise greater than ten percent (10%) of the value;

(b) In the event of a termination of a Retailer's or Retail Consumption Dealer's business with such goods on hand being returned to the Wholesaler as provided herein, the Wholesaler may defer payment to the Retailer or Retail Consumption Dealer for a period not to exceed thirty (30) days to insure that no security interest is being held by a third party on such merchandise;

(c) With express written permission of the Commissioner, a Retailer or Retail Consumption Dealer terminating its business may sell that portion of his the remaining inventory which the Wholesaler does not accept, to another Retailer or Retail Consumption Dealer within the same taxing jurisdiction.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3, 3-2-4.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2 GENERAL PROVISIONS

560-2-2-.34 Product Recall – General Provisions.

- This Rule provides for the recall of Alcoholic Beverages.
- This Rule provides for grammatical changes.
- This Rule provides for changes in the Code.
- This is a new rule.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.34 Product Recall – General Provisions.

(1) For products that are unmarketable due to internal content deterioration resulting in the product varying substantially in taste or appearance from the Manufacturer's specifications, the Manufacturer, Shipper or Importer may petition the Commissioner in writing to request authorization to recall such products.

(a) Except in cases where there is an immediate threat to public health and safety, the recall request shall be submitted so that it is received by the Alcohol & Tobacco Tax Division at least fifteen (15) days in advance of the proposed date for initiating the recall and shall specifically detail the reason for the recall including:

1. The extent and scope of the problem with the product(s).
2. The amount in distribution within Georgia.
3. The estimated amount of time needed to complete the recall.

(b) All approved recalls shall be conducted by Wholesalers working in conjunction with the impacted Manufacturer, Shipper, or Importer under terms and conditions agreed to by the Wholesalers and the impacted Manufacturer, Shipper, or Importer;

(c) Where a product is recalled pursuant to this provision, the product shall be exchanged for an equal quantity of the same product;

1. Where the same product is unavailable because the recall encompasses the total removal of a product from distribution or otherwise, the product shall be exchanged for an equal quantity of a product that is the same type of Alcoholic Beverages, or where such a product is unavailable, the issuance of a credit to the Retailer equal to the original purchase price paid by the Retailer.

(d) There shall be no refund or credit of any excise tax paid on any products subject to recall for any reason.

(e) Records regarding recalls of products shall be maintained in a manner consistent with O.C.G.A. § 3-3-6.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3, 3-2-4.

PROPOSED